

## Brain Storming of WI CAFO Transfer Face-to-Face Topics:

- Introductions
- General background:
  - WDNR and DATCP provide background about their programs
  - EPA NPDES discusses generally its responsibilities and activities
  - General discussion about the CAFO program
- Discussion about NPDES program transfers:
  - Relevant general provisions and guidance
  - Overview of the program approval process
  - WI and EPA discuss path to complete program approval
- Discussion of what constitutes a complete NPDES partial program eligible for transfer:
  - EPA provides guidance/thoughts/analysis as to what is a complete partial program:
    - Statutes and regulations to consider
    - OGC opinion about what constitutes a sufficient partial program
    - Oklahoma example
  - Discussion of WI's thoughts of how the discharges are divided between WDNR and DATCP:
    - Discharges: including stormwater, CAFO direct dischargers, cooling water.
    - Enforcement, including AFOs
    - Financial and personnel resources
- Discussion of required statutory authorities (all or a subset) for DATCP based on the 1986 EPA state program approval guidance (vol. 1 pages 3-1 to 3-24 {general NPDES program}, and 3-34 {general permit program})<sup>1</sup>, listed below:
  - Authority to Issue Permits
  - Authority to Deny Permits in Certain Cases
  - Authority to Apply Federal Standards and Requirements to Direct Dischargers
  - Authority to Limit Permit Duration
  - Authority for Entry, Inspection, and Sampling; and Applying Monitoring, Recording, and Reporting Requirements to Direct dischargers
  - Authority to Require Notice of Introduction of Pollutants into POTWs
  - Authority to Issue Notices, Transmit Data, and Provide Opportunity for Public Hearings
  - Authority to Provide Public Access to Information
  - Authority to Modify, Revoke, and Reissue or Terminate Permits
  - Authority to Enforce the Permit and Permit Program
  - Conflicts of Interest
  - Incorporation by Reference
  - Authority to Issue and Enforce General Permits
- Discussion of a subset of regulatory authorities required for DATCP based on 1986 EPA state program approval guidance (vol. 1 pages 4-1 to 4-41 {general NPDES program} and 4-55 to 4-56 {general permits}):<sup>1</sup>

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<sup>1</sup> National Pollutant Discharge Elimination System State Program Guidance for Development and Review of State Program Applications and Evaluation of State Legal Authorities (40 CFR Parts 122-125 and 403) Volume One, EPA Office of Water, 1986.

- Discussion of how the statutes and regulations could be worded to accomplish the division of authorities between WDNR and DATCP
- Wis. Act 21's implications for drafting of regulations
- EPA issue spotting in:
  - Existing WDNR statutes
  - Existing CAFO regulations
  - Existing General NPDES program regulations: for example, WI LAR Issue 5
- Follow up questions, next steps, and project assignments